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2 The following is a transcript of a conversation
3 between JAMES R.FISHER (also known as BILL FISHER),
4 RICK ROBERTSON and JIBREEL RASHAD on February 8, 2005.
5 (UI) Unintelligible
6 (PH) Phonetic
7 (Noise in background)
8 RICK ROBERTSON (ROBERTSON): JIBREEL's on the phone
9 right now. I got JIBREEL (UI).
10 FISHER: Pardon?
11 ROBERTSON: I said, I have JIBREEL on the phone, as well.
12 FISHER: Hey, how are you?
13 ROBERTSON: Oh, we're fine.
14 JIBREEL RASHAD (RASHAD): Okay.
15 ROBERTSON: Yeah, we, um, we met, JIBREEL go ahead, I
16 mean, uh, um, JIBREEL, go ahead on and, uh, you know,
17 talk to him and explain to him, you know. He said,
18 he, BILL, I talked to BILL earlier today. He said he
19 was kinda confused again and, uh, about the whole
20 deal, and, and, uh, he said he just needs some
21 clarity. He need to know what, what, what's gonna
22 happen and what (UI).
23 RASHAD: Why, I mean, I need to hear it from BILL.
24 He said, he, BILL, BILL, BILL related to me that you
25 was confused and I'm just trying to get an

1 understanding, what is the confusion now?

2 FISHER: I, I got an invoice from you guys for a hundred
3 and eighty thousand dollars and, um, RICK tells me
4 that my case is not gonna pass tomorrow.

5 ROBERTSON: No, I, I didn't, I didn't say that.

6 FISHER: Well, you thought, you thought, you thought
7 it would be delayed.

8 ROBERTSON: (UI). Yeah, but that, but it's going to
9 pass.

10 FISHER: Okay.

11 ROBERTSON: If, if it is. I don't know if it is, will,
12 it, it, we, I still don't know if it's gonna come up,
13 but when it, when it does come up, it will be passed.
14 That's what I'm telling you. So, you know, it,
15 that's, that's the only thing.

16 RASHAD: This is, this is, this is two separate, uh,
17 two separate things. I mean, um, I'm just saying,
18 call, I'm on this conference call this evening
19 because, you know, I've pretty much done told, uh,
20 several individuals and parties that, you know, I felt
21 slighted. Uh, my company, RA-MILL CONSTRUCTION, you
22 know, we just purchased another twenty-five acres,
23 we're gonna go ahead and move forward and continue to
24 do what it is that we do. Um, at this point it
25 doesn't matter to me one way or the other in terms of,

1 uh, Pecan Grove deal. Uh, it's just that in
2 principle, uh, based upon our conversation with you,
3 BILL, uh, you know, you spent a lot of time, you know,
4 wining and dining and talking and this, that, and the
5 other, and, uh, not only to be felt slighted, uh, you
6 know, even what we had in principle agreed upon, that
7 hasn't even happened. So, my re, uh, reasoning for
8 being on the conference call this evening is to, uh,
9 just pretty much see if the contract, or whatever it
10 is that we discussed, was still in place, and if not,
11 then that's fine. I can move on and continue to do
12 what it is that uh, we embarking upon, uh, with the
13 twenty-five acres that we've already purchased to
14 build other homes on.

15 (Pause)

16 ROBERTSON: I don't know. He may have, uh, gotten
17 disconnected. BILL, you there?

18 FISHER: No, I'm here.

19 ROBERTSON: Okay.

20 (Pause)

21 ROBERTSON: Did you hear what he said?

22 FISHER: Yeah. I mean, you guys faxed me an invoice,
23 you know, I was out of town last week...

24 ROBERTSON: Mmm-hmm.

25 FISHER: ... you all faxed me an invoice here...

1 ROBERTSON: Mmm-hmm.

2 FISHER: ... a couple of days ago.

3 ROBERTSON: Mmm-hmm.

4 FISHER: What's it for, if my case is not going to
5 pass tomorrow?

6 ROBERTSON: Now your case, I just, I, I, I just said
7 that your case will pass.

8 FISHER: Okay. It will, that will happen tomorrow?

9 ROBERTSON: Um, I, I'm, I'm not, I'm thinking that, I'm
10 thinking that it will happen tomorrow.

11 FISHER: Well...

12 ROBERTSON: What I was telling you was...

13 RASHAD: Coming up tomorrow, I mean, is it coming
14 towards the Board tomorrow?

15 FISHER: Yeah, it...

16 RASHAD: I mean, because I don't, I don't understand
17 the question, really, because what other... if, if,
18 if, if your case is a solid deal in which we've
19 already talked about, you know, you, your case deal, I
20 don't see any other, uh, I don't see any reasons in
21 why it wouldn't pass. I mean, it's a solid deal, I
22 mean, everyone loves your deal.

23 FISHER: Well, (stutters), I was already told by more
24 than one person. After I talked to RICK today (clears
25 throat), I got a call from SUZAN KEDRON, I got

1 an e-mail from her, actually, that, uh, was my
2 attorney at JACKSON WALKER and DON had called her, I
3 don't know, the end of the day today, maybe five
4 o'clock, five-thirty, six o'clock, something like that,
5 and said that he was intending on postponing the case.
6 RASHAD: And you received this information from whom?
7 FISHER: SUZAN KEDRON at, uh, JACKSON WALKER.
8 RASHAD: Okay, I know, I'm a fam, I'm familiar with,
9 uh, SUZAN. Um...
10 FISHER: Well, RICK said you all were gonna get
11 together tonight, so...
12 RASHAD: Umm...
13 FISHER: ... what's, what is the status of the case?
14 RASHAD: (Laughs) I mean, the...
15 FISHER: Is it...
16 RASHAD: ... status of the case is that your case is
17 still in good standing.
18 FISHER: Okay.
19 RASHAD: Um, (UI)...
20 FISHER: Alright. So what, so what do I need to do
21 with the invoice? Just process it and, is that what
22 I'm required to do? You said fifteen days to pay?
23 Are you all good with that?
24 ROBERTSON: That's fine. I mean, if, if, if, we're
25 good with, with, with what it said. I mean, it's not,

1 it's, it's not, we, it's not that hard.

2 RASHAD: (UI)

3 FISHER: That's fine. I just want to know if there's

4 something else I needed to do. I just, just...

5 RASHAD: No. That's it.

6 FISHER: Tell me what the requirement is. Just, just

7 pay it in the, just pay it as you all have invoiced me

8 and this thing'll happen tomorrow, right?

9 RASHAD: W-well, I mean, again, you, you, you present

10 it as if it has something to do with your case. What,

11 you know, again, I'm going back to just what we talked

12 about in principle. Us bidding for the position, you

13 felt as though we couldn't handle the capacity,

14 (static) you know, we felt otherwise (static). (UI)

15 that was, uh, should have been, uh, worked out, uh,

16 with, you know, my company. I feel like (UI)

17 (static). You know, I'm not really, uh, I mean, if

18 that's the way it is, uh, the matter itself is really

19 self-explanatory. Uh, at the end of the day, I mean,

20 (UI)...

21 (Static)

22 FISHER: Sorry, you're breaking up. I don't know if

23 that's my phone or your all's end. But, you were

24 saying, whi-which letter are you talking about? The

25 let, the letter agreement options you sent over?

1 RASHAD: Well, I mean, yeah. The invoice, uh, because
2 that's the only (UI). The number that we put in there
3 was the number that you gave us originally. I mean,
4 we never came up with those figures, per se. So we,
5 you know, in principle what we agreed upon, that (UI),
6 that's the indication, uh, uh, of the invoice, you
7 know, that was faxed to you.

8 (Pause)

9 ROBERTSON: Hello?

10 FISHER: I'm here.

11 ROBERTSON: Okay.

12 RASHAD: (UI) now, now, now, now once again, you
13 know, BILL, I'm just, I'm just (UI). This is just my
14 own personal opinion. In regards to me, you know, uh,
15 how do we feel about the whole issue and, what
16 happened? I mean, quite naturally, I was very...
17 (static). I feel slighted. I felt like we, you know,
18 didn't have the opportunity, but if that was your
19 opinion and that's the way you felt, you know, I
20 understood. But, then like I told RICK, we'll
21 continue to work hard and stay humble and (UI) come,
22 too. (UI) get our own tax credit deals, but right now
23 we'll continue doing what we've been doing. We'll
24 still deal (UI) and, and, and, and that's the way
25 we're gonna continue to move forward to. This call

1 tonight is just, is simply about the agreement or
2 arrangement that we had talked about previously, uh,
3 and that's (UI). I mean, really, (UI) has nothing to
4 do with your deal, I'm just basically on principle
5 and, uh, we'll go on down the road. But, yes, when the
6 question was presented to (UI), I, uh, uh, I still feel
7 (UI). I feel slighted. I feel like we were never given
8 an opportunity and what else came out of that, I, I have no
9 clue about. I'm only concerned about RA-MILL CONSTRUCTION.
10 FISHER: Well, you know, we, we talked about this a
11 couple of times (static) and I sent you guys material
12 that we normally get to qualify people for being
13 capable of doing the work and y'all have never even
14 sent me anything back. I've even faxed you another
15 contractor's filled out set of forms. So, just, you
16 know, certainly tried to, to do what I could to
17 qualify you guys to do it, but I've never really seen
18 anything that would indicate that, so...
19 RASHAD: Well, it's, it's it's that old saying, you
20 know, if you say to-mah-to, we say to-may-to, and, uh,
21 you know, right now, I mean, we know money's on the
22 ground, and, you know, money has funded, and you know,
23 we talked in principle, we, like I said, we, we, we,
24 we, we, we danced and had dinner and everything else,
25 uh, for six months and, and, you know, we, we thought

1 at least we had some kind of agreement, uh, you know,
2 if we wasn't gonna be in the loop of things then that
3 was, that was okay, too. We, we wanted to do,
4 definitely do the work. But at the same time, we
5 have, uh, you know, spent out some, some money of our
6 own and we just feel like, you know, (static) uh,
7 (UI). And, you know, at the end of the day, that's
8 not gonna change. Now whether or not that, if that
9 happens, or if we waited on this deal getting done, or,
10 which, like I said, your deal, you, you know, everyone
11 likes your deal. Uh, from, from what I can gather. You
12 know? But, uh, (UI).

13 FISHER: Well, RICK, RICK and I talked about, you know,
14 we had a conference call, I don't think you were on, with,
15 uh, uh, DARREN REAGAN and D'ANGELO about all of this stuff
16 being routed back through DARREN.

17 RASHAD: Mmm-hmm.

18 FISHER: You know, DARREN called me today and gave me
19 a pretty good chewing out, so...

20 RASHAD: (Laughs)

21 FISHER: ... um, frankly, I wasn't surprised to hear
22 that the case was being delayed, but, uh...

23 RASHAD: Why do you think it's being delayed?

24 FISHER: I, I don't know. I think be, I understood
25 originally, because DARREN wasn't happy. But, I, at

1 this point, I don't, frankly, I don't know. When I
2 called him about, uh, well, then copied him on the
3 invoice, he didn't know what it was for, what it was
4 about, and told me to call you guys.

5 RASHAD: Mmm-hmm.

6 FISHER: I said, look, I thought you all were meeting
7 and working together on this stuff and, you know, just
8 tell me what I'm supposed to do here and, uh, because
9 DARREN has his own requirements, whether he's telling
10 you that or not, so...

11 RASHAD: Mmm-hmm. Mmm-hmm. Well, I want to, I mean,
12 honestly, I'm, I'm a, you know, be kind of brief and
13 short here and trust me, I'm in the, I'm here in my
14 office at the house here working on some stuff for,
15 for RA-MILL, but I just want to say, you know, I'm not
16 gonna bring, uh, MR. REAGAN into a situation where he
17 has no, uh, no (UI). I'm just saying, you got the
18 invoice, uh, they liked your deal, uh, they recognize
19 that, that we was definitely upset because we felt
20 like we had the capability of, uh, being in the
21 capacity, or at least have some type of involvement or
22 some type of (UI) work. That didn't happen, so yes,
23 we feel like we've been slighted, but I think that at
24 the end of the day, the project and everything that it can
25 be worked out. So, you know, (UI) (static). I mean, I'm

1 not confused, you know, I hope that you're not
2 confused, but if you are confused, then, uh, all I can
3 do is just say, uh, you know, uh...
4 FISHER: Well, just, let's just keep it simple. When
5 do you expect me to pay the invoice and what's gonna
6 happen tomorrow and then we can just put it behind us.
7 (Pause)
8 ROBERTSON: When do we expect to pay? What does,
9 what does the invoice say? Fifteen days?
10 FISHER: Fifteen days.
11 ROBERTSON: Alright. So we think fifteen days. As
12 far as what happens tomorrow, if it's delayed, then it
13 will, it, it, it, it, they like your deal. It's,
14 it's, it's gonna happen.
15 FISHER: But if it's delayed, tell me what, you know,
16 then...
17 RASHAD: I mean, uh, uh, uh, let me get, let me get
18 down to it real quick (UI). Umm, this should have
19 been, I mean, my thing is (UI) because, I mean,
20 everything funded, I guess, what on the twenty, what, I'm
21 maybe, I'm losing it, on the twenty-sixth, I don't know,
22 when, when, when was it, Bill (static), you know, (UI) to
23 happen. You know? So if I can (UI) in the morning, you
24 know, it just happens to be in the morning. 'Cause we're
25 talking to you now this evening and this should have been

1 actually happened like a week ago, or two weeks ago.
2 Whenever the money funded. But now, unfortunately, now
3 it's just (stutters), it's coincidental to me that
4 something that could've happened a week ago or two weeks
5 ago, uh, happens to be the night before your deal comes,
6 uh, comes up, so, I mean, if, if, I say in the morning, I
7 mean, that's satisfactory to me.
8 FISHER: My deal closed a week ago Mon, uhm, yesterday.
9 RASHAD: Mmm-hmm.
10 FISHER: It closed on Friday and funded the following
11 Monday.
12 RASHAD: Mmm-hmm.
13 FISHER: And then I was in Austin Tuesday through
14 Friday last week, closing two more transactions in San
15 Antonio, so unless I missed the time line, that's what
16 happened. So, what was I supposed to do here during
17 the four days I was in Austin? When did you guys send
18 me an invoice?
19 RASHAD: When did you get, I'm not, I'm not exactly
20 sure, uh, uh, (UI).
21 ROBERTSON: You got it, you got it yesterday.
22 FISHER: Okay.
23 ROBERTSON: Uh, I think you got it yesterday. Yeah.
24 FISHER: I was gonna say, so I'm, was I supposed to pay?
25 (Pause)

1 FISHER: (Clears throat) You know, we, we...

2 RASHAD: I, I, I, you know what? Honestly? I, I, I,

3 I would have thought that, you know, you probably

4 would've given us a... (Long period of silence)

5 FISHER: ... and you got the hundred and eighty

6 around. But let me, let me, the ball's in my court.

7 Why don't we just leave it at that? And I'll call, do

8 you want me to call JIBREEL or RICK in the morning?

9 ROBERTSON: You can call me, and if you don't get me,

10 you can call JIBREEL.

11 FISHER: Okay.

12 ROBERTSON: So, you'll be able to get one of us.

13 FISHER: Yes, you know, the, our meetings are not

14 'til like tomorrow afternoon, so...

15 ROBERTSON: Right.

16 FISHER: So we really have all morning? Is that, you

17 know, that would be what I'd be working off of.

18 ROBERTSON: Right.

19 RASHAD: Well, some morning. I don't know about all

20 morning.

21 FISHER: (Laughs) I understand. Okay.

22 RASHAD: Understand, you know, we are working with a

23 short, a short, short, uh, uh, time frame, uh...

24 FISHER: (Stutters) It is a short time frame. I

25 can't, I can't wait any longer guys, its, ahh,

1 (static) I've got a contract with this seller and it's
2 up. (static)
3 (Pause)
4 FISHER: Is that my phone or yours? (Static) Hello?
5 RASHAD: (UI) your end. Uh...
6 FISHER: I don't know if, I don't know if that's my
7 end staticking or yours, but, uh...
8 ROBERTSON: I have another call, well, they hung up,
9 so you should be able to hear me better.
10 FISHER: Yeah, that's, that's better.
11 RASHAD: (UI) We are working on your time frame. (UI).
12 FISHER: Yeah, I mean, I don't, I don't really have
13 any more time after tomorrow, frankly, so let me, let
14 me see what I can do in the morning and I'll call you
15 guys first thing. I, I understand what needs to be done.
16 ROBERTSON: M-kay.
17 FISHER: Okay?
18 ROBERTSON: Alright.
19 FISHER: And you all take care of your side, right?
20 ROBERTSON: Correct.
21 FISHER: Make it happen.
22 ROBERTSON: Okay.
23 FISHER: I'll call you in the morning.
24 ROBERTSON: Bye-bye.
25 (End of conversation)